THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 17450 OF 1998

Dated 21st March, 2007

Between:

V.Radhika W/o Hanumantha Reddy

…Petitioner

And

The Gram Panchayat, Dugyala village,
P.A. Pally Mandal, Nalgonda, represented
by its Sarpanch and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner claims to be in possession of the land in an extent of Ac.1.24 gts in Sy.No. 463 and Ac.1.36 gts in Survey No.476 of Dugyala village, P.A.Pally Mandal, Nalgonda District. It is stated in the affidavit filed in support of the writ petition that the said land was originally registered in the name of his grand father, G.Balakrishna Reddy and after his death in the year 1968, it was mutated in the name of the petitioner's father and the petitioner was given this land by way of Pasupukumkuma. It is stated that the above said land of Ac.3.20 guntas is in continuous possession of the petitioner and the same was irrigated through a well. It is the grievance of the petitioner that though she is in actual and physical possession to the extent of the above said land, but treating a portion of the said land as Gramakantam, the Gram Panchayat passed a resolution for allotting the same in favour of respondents 4 and 5.

This writ petition was filed in the year 1998. Initially, interim orders were passed on 29.6.1998. Subsequently, the writ petition was admitted on 21.7.1998 and earlier interim orders were ordered to be continued until further orders. The said orders continued all along and though the writ petition is of the year 1998, no counter affidavit is filed either by the Gram Panchayat or by the contesting respondents.

As much as it is pleaded that the petitioner is in actual and physical possession of the land in question, it is evident that no steps have been taken to dispossess the petitioner of a portion of the land covered by Survey Nos. 463 and 476. Even if the land

belonging to the Gram Panchayat is in unauthorized possession by any individual, as per the provisions of the Panchayat Raj Act, steps have to be taken for removal of the said encroachments at the first instance. In that view of the matter, I dispose of the writ petition declaring the allotment made in favour of respondents 4 and 5 as illegal and keeping it open to the Gram Panchayat to take steps as per the provisions of Panchayat Raj Act and the rules made thereunder, if the petitioner is in possession of the land belonging to the Gram Panchayat.

Subject to above direction, the writ petition is disposed of. No costs.

21.3.2007 **R. SUBHASH REDDY, J.**

VR